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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **IKEMOTO, Ayumu**

Group Art Unit: **1772**

Serial No.: **10/614,786**

Examiner: **NOLAN, Sandra M.**

Filed: **July 9, 2003**

P.T.O. Confirmation No.: 8582

For: **HOSE**

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 14, 2004

Sir:

Reconsideration of the rejection contained in the Office Action dated September 14, 2004, in the above-identified application in view of the following detailed comments and enclosed document is respectfully requested.

REMARKS

In the Office Action, claims 1-16 were rejected under 35 USC § 103(a) as being unpatentable over the patent to Ikemoto et al in view of the patent to Bernard et al or the '879 Japanese patent publication. In making this rejection, it was asserted that the cited Ikemoto et al patent teaches a fuel hose as claimed except for the use of epoxy resin or aramid fibers. The secondary publications were then asserted to provide this teaching deficiency in the claims. Reconsideration of this rejection in view of the following comments and enclosed document is respectfully requested.

With regard to the subject rejection, it is to be noted that the patent to Ikemoto et al is assigned to the same assignee as the subject application and that both applications would have been co-pending if applicants herein were awarded benefit of the date of their Japanese priority application. A recent amendment to 35 USC § 103(c) became effective as to any application filed after November 29, 1999. This amendment provides that prior art effective under the provisions of 35 USC § 102(e), that is, a U.S. patent having a filing date prior to the filing date of the subject application, is no longer effective prior art if the two have the same assignee and were copending. Since the Ikemoto et al patent and the subject application are assigned to the same assignee and the basis for citation of the patent would be 35 USC § 102(e) if the patent issued after the filing date of the subject application, the above provisions of § 103(c) would apply.

To have the required co-pendency with the cited patent, it is necessary to perfect the claim for priority in the subject application. In particular, the patent to Ikemoto et al has an issue date of April 22, 2003, whereas the subject application has a filing date in the U.S. of July 9, 2003. However, the subject application claims priority from a Japanese patent application having a filing date of July 12, 2002, prior to the issue date of the cited patent.

Accordingly, to perfect the claim for priority in the subject application, submitted herewith is a verified English translation of the Japanese priority application. Since the claim for priority to the Japanese priority patent application has been perfected and this application provides adequate support for the subject matter claimed, the cited Ikemoto et al patent has been removed as an effective reference and the rejection obviated.

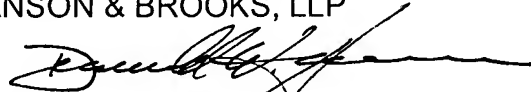
For the reasons stated above, withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claims 1 through 16 over the cited patent publications are respectfully requested.

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosure: Translation of Priority Document